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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BARRY BELL,

Plaintiff,

-v-

ISIS FILMS, LTD et al.,

Defendants.

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16-CV-8197 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

On July 11, 2017, the Court was advised that the parties in this case, brought in part pursuant to the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201 *et seq.*, had agreed to a settlement. (Docket No. 65). By Order entered July 12, 2017, the Court directed the parties to submit letters explaining the basis for the proposed settlement of the FLSA claims and why it should be approved, with reference to the factors set forth in *Wolinsky v. Scholastic, Inc.*, 900 F. Supp. 2d 332, 335-36 (S.D.N.Y. 2012). The Court also directed the parties to address the basis for keeping the proposed settlement confidential.

The Court, having reviewed the parties' joint letter dated August 18, 2017, and their settlement agreement with respect to the FLSA claims (Docket No. 70) finds that the settlement is fair and reasonable, given both the nature and scope of the Plaintiff's individual claim as well as the risks and expenses involved in additional litigation. *See id*. Although the FLSA places "strict limits on an employee's ability to waive claims . . . for fear that employers would [otherwise] coerce employees into settlement and waiver," *id.* at *1 (citation omitted), these concerns are not as relevant when the plaintiff no longer works for the defendant, as is the case here, *cf. Lujan v. Cabana Mgmt., Inc.*, No. 10-CV-755 (ILG), 2011 WL 3235628, at *2 (E.D.N.Y. July 27, 2011) (noting "the risk of explicit or implicit coercion in the employment context" in FLSA litigation); *Gortat v. Capala Bros., Inc.*, 07-CV-3629 (ILG) (SMG), 2009 WL 3347091, at *11 (E.D.N.Y. Oct. 16, 2009), *report and recommendation adopted by* 07-CV-3629 (ILG), 2010 WL 1423018 (E.D.N.Y. Apr. 9, 2010) (noting the heightened concern over coercion in FLSA litigation when plaintiffs "are involved in an ongoing business relationship with defendants, and . . . are dependent on defendants for employment").

Accordingly, the Court approves the settlement and dismisses the case with prejudice. The Clerk of the Court is directed to close this case. All pending motions are moot. The Clerk of Court shall also file and maintain the parties other settlement agreement, which addresses Plaintiff's non-FLSA claims, under seal.

SO ORDERED.

Dated: New York, New York
August 21, 2017

JESSE M. FURMAN
United States District Judge